

FIFTY-NINTH DAY - APRIL 11, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 11, 2005

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Combs and Erdman who were excused; and Senators Aguilar, Brown, Landis, McDonald, Mines, Dw. Pedersen, D. Pederson, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 111, 111A, and 274.

ER9022

Enrollment and Review Change to LB 111

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 5, line 15, "persons" has been struck and "person" inserted.

ER9023

Enrollment and Review Change to LB 274

The following changes, required to be reported for publication in the

Journal, have been made:

1. Due to the passage of LB 76:

a. In the Standing Committee amendments, AM0244:

i. Section 235 has been stricken and the following new section inserted:

"Sec. 235. Section 60-465, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 76, Ninety-ninth Legislature, First Session, 2005, is amended to read:

60-465. (1) Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating of eleven thousand seven hundred ninety-four kilograms or more (twenty-six thousand one pounds or more) inclusive of a towed unit with a gross vehicle weight rating of more than four thousand five hundred thirty-six kilograms (ten thousand pounds);

(b) Has a gross vehicle weight rating of eleven thousand seven hundred ninety-four or more kilograms (twenty-six thousand one pounds or more);

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the federal Hazardous Material Regulations, 49 C.F.R. part 172, subpart F.

(2) Commercial motor vehicle does not include (a) a farm truck as defined in section ~~60-304~~ 25 of this act other than a combination of truck-tractors and semitrailers when such farm truck is operated within one hundred fifty miles of the registered owner's farm or ranch, (b) any ~~self-propelled mobile home~~ recreational vehicle as defined in section 47 of this act or motor vehicle ~~drawing~~ towing a cabin trailer as ~~such terms are~~ defined in ~~section 60-304~~ sections 14 and 39 of this act, (c) any emergency vehicle operated by a public or volunteer fire department, or (d) any motor vehicle owned or operated by the United States Department of Defense or Nebraska National Guard when such motor vehicle is driven by uniformed, military operators performing duty in the active service of the United States or this state."; and

ii. On page 267, line 3, "60-465," has been struck; in line 10 "and" has been struck; and in line 13 "and section 60-465, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 76, Ninety-ninth Legislature, First Session, 2005," has been inserted after the second comma;

b. In the E & R amendments, AM7068, on page 2, line 19, "and" has been struck; and

c. On page 1, line 3, "60-465," has been struck; and in line 12 ", and section 60-465, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 76, Ninety-ninth Legislature, First Session, 2005" has been inserted after "2004".

LEGISLATIVE BILL 38. Placed on Select File as amended.

(E & R amendment, AM7084, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

COMMUNICATION

Received petition from the Douglas County Board of Commissioners adopted on April 5, 2005.

SELECT FILE

LEGISLATIVE BILL 276. E & R amendment, AM7078, found on page 1088, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 389. Advanced to E & R for engrossment.

LEGISLATIVE BILL 389A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 193. E & R amendment, AM7076, found on page 1088, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 82. E & R amendment, AM7081, found on page 1122, was adopted.

Senator Baker withdrew his pending amendment, AM0902, found on page 977.

Senator Beutler withdrew his pending amendment, AM0976, found on page 1028.

Senators Beutler and Baker offered the following amendment:
AM1139

(Amendments to Standing Committee amendments, AM0666)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 52-604, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 52-604. From the proceeds of such sale the claimant
- 5 shall satisfy his or her lien, including the reasonable charges of
- 6 notice, advertisement, and sale. The balance, if any, of such
- 7 proceeds shall be delivered to the county treasurer of the county
- 8 in which the sale was made. The treasurer of the county in which
- 9 the property was sold shall issue his or her receipt therefor. The
- 10 county treasurer shall make proper entry in the books of his or her
- 11 office of all money so paid over to him or her, and shall hold the
- 12 money for a period of five years, and immediately thereafter shall
- 13 pay the same into the school fund of the proper county, to be

14 appropriated for the support of the schools, unless the owner of
15 the property sold, ~~or his~~ or her legal representatives, or any lien
16 or security interest holder of record, shall within such period of
17 five years after such money shall have been deposited with the
18 treasurer, furnish satisfactory evidence of the ownership of such
19 property or satisfactory evidence of the lien or security interest,
20 in which event he, she, or they shall be entitled to receive from
21 such treasurer the amount so deposited with him or her.

22 Sec. 4. Section 60-6,297, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 60-6,297. The provisions of subdivision (1)(b) of
2 section 60-6,290 and subsections (2) and (3) of section 60-6,294
3 shall not apply when a disabled combination of vehicles is towed if
4 the combination of vehicles, together with the wrecker or tow
5 truck, does not exceed one hundred ~~thirty~~ fifty feet, inclusive of
6 front and rear bumpers including load. Such exception shall apply
7 only if the disabled combination of vehicles is being towed
8 directly to the nearest place of secure safekeeping. The towing
9 vehicle shall be connected with the air brakes and brake lights of
10 the towed vehicle. For purposes of this section, place of secure
11 safekeeping means a place off the traveled portion of the highway
12 that can accommodate the parking of such vehicles in order for the
13 vehicles to be (1) repaired or (2) dismantled and operated in
14 compliance with subdivision (1)(b) of section 60-6,290 and
15 subsections (2) and (3) of section 60-6,294.

16 Sec. 6. Section 60-2404, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-2404. A motor vehicle towed away under sections
19 60-2401 to 60-2411, which is not claimed by the owner within ~~one~~
20 ~~hundred eighty~~ ninety days after towing, is subject to ~~liens~~ lien
21 and disposition under Chapter 52, article 6, by the person who
22 towed the vehicle, ~~under Chapter 52, article 6~~.

23 Sec. 7. Section 60-2410, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-2410. (1) The owner or other person lawfully entitled
26 to the possession of any vehicle towed or stored shall be charged
27 with the reasonable cost of towing and storage fees. Any such
1 towing or storage fee shall be a lien upon the vehicle under
2 Chapter 52, article 6, and, except as provided in subsection (3) of
3 this section, shall be prior to all other claims. Any person
4 towing or storing a vehicle ~~shall be entitled to~~ may retain
5 possession of such vehicle until such charges are paid or, after
6 ninety days, may dispose of such vehicle to satisfy the lien. The
7 lien provided for in this section shall not apply to the contents
8 of any vehicle.

9 (2) The person towing the motor vehicle shall, within
10 thirty days after towing, notify any lienholder appearing on the
11 certificate of title of the motor vehicle and the owner of the
12 motor vehicle of the towing of the motor vehicle. The notice shall

- 13 be sent by certified mail, return receipt requested, to the
14 last-known address of the lienholder and owner of the motor
15 vehicle. The notice shall contain:
16 (a) The make, model, color, year, and vehicle
17 identification number of the motor vehicle;
18 (b) The name, address, and telephone number of the person
19 who towed the motor vehicle;
20 (c) The date of towing;
21 (d) The daily storage fee and the storage fee accrued as
22 of the date of the notification; and
23 (e) A statement that the motor vehicle is subject to lien
24 and disposition by sale or other manner ninety days after the date
25 of towing under Chapter 52, article 6.
26 (3) Failure to provide notice as prescribed in subsection
27 (2) of this section shall result in the lien of the person who
1 towed the motor vehicle being subordinate to the lien of the
2 lienholder appearing on the certificate of title and render void
3 any disposition of the motor vehicle by the person who towed the
4 motor vehicle."
5 2. On page 13, line 14, after "sections" insert
6 "52-604," and strike "and" and insert "60-6,297,"; and in line 15
7 after "60-6,298," insert "60-2404, and 60-2410,".
8 3. Renumber the remaining sections accordingly.

The Beutler-Baker amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 351. E & R amendment, AM7079, found on page 1122, was adopted.

Senator Preister renewed his pending amendment, AM1078, found on page 1120.

The Preister amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 382. E & R amendment, AM7062, found on page 913, was adopted.

Senator Byars renewed his pending amendment, AM0951, found on page 1032.

The Byars amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Bourne's birthday.

SELECT FILE

LEGISLATIVE BILL 382. Senator Jensen renewed his pending amendment, AM1042, printed separately and referred to on page 1138.

Senator Jensen withdrew his amendment.

Senator Stuhr offered the following amendment:

AM0816

- 1 1. Insert the following new sections:
- 2 "Sec. 9. Section 71-374, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-374. (1) ~~Except as provided in subsection (2) of this~~
- 5 ~~section~~ Until October 1, 2005, the board shall be composed of
- 6 eleven members. On and after October 1, 2005, the board shall be
- 7 composed of twelve members. The board shall include , including
- 8 two school owners, one esthetician, one licensed instructor, two
- 9 laypersons, one cosmetologist who is a salon owner and who is not a
- 10 school owner, one electrologist who is not a licensed
- 11 cosmetologist, one nail technician, and two cosmetologists who are
- 12 not school owners, and one practitioner of body art as provided in
- 13 this section. The professional members shall be licensed in
- 14 Nebraska and maintain such license as well as their establishment
- 15 licenses in good standing. No members of the board who are school
- 16 owners, salon owners, electrologists, nail technicians,
- 17 instructors, or cosmetologists, or practitioners of body art may be
- 18 affiliated with the same establishment.
- 19 (2) ~~By October 1, 1999, the State Board of Health shall~~
- 20 ~~appoint one nail technician for a five-year term. The initial nail~~
- 21 ~~technician member must be eligible for licensure and obtain a nail~~
- 22 ~~technician license by January 1, 2000, to remain eligible to serve~~
- 23 ~~on the board.~~
- 24 (3) ~~By October 1, 2002~~ 2005, the State Board of Health
- 1 shall appoint one ~~esthetician~~ practitioner of body art for a
- 2 five-year term.
- 3 (4) (3) Members of the board shall be appointed by the
- 4 State Board of Health from among nominees submitted by professional
- 5 associations and other interested parties. A person may nominate
- 6 himself or herself.
- 7 (5) (4) The State Board of Health may remove a member of
- 8 the board for physical or mental incapacity to carry out the duties
- 9 of a board member, for continued neglect of duty, for incompetency,
- 10 for acting beyond the individual member's scope of authority, for

11 malfeasance in office, for any cause for which a professional
12 license in the profession involved may be suspended or revoked
13 under the Nebraska Cosmetology Act, or for a lack of licensure in
14 the profession involved.

15 ~~(6)~~ (5) Vacancies on the board shall be filled in the
16 same manner as original appointments for the remainder of the
17 unexpired term only.

18 ~~(7)~~ (6) Members of the board, ~~other than the initial~~
19 ~~members unless otherwise specifically provided~~, shall serve for
20 five-year terms, and no member shall serve for more than two
21 consecutive terms excluding any partial term for which he or she
22 may have been appointed.

23 Sec. 10. Section 71-375, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-375. (1) Until October 1, ~~1999~~ 2005, any ~~five~~ six
26 members of the board shall constitute a quorum for routine
27 business, except that for matters requiring professional judgment
1 of competency or standards of professional conduct, a quorum shall
2 consist of any ~~four~~ five professional members.

3 (2) On and after October 1, ~~1999~~ 2005, any ~~six~~ seven
4 members of the board shall constitute a quorum for routine
5 business, except that for matters requiring professional judgment
6 of competency or standards of professional conduct, a quorum shall
7 consist of any ~~five~~ six professional members.

8 (3) The board shall meet at least twice a year and more
9 often at the call of the chairperson or (a) until October 1, ~~1999~~
10 2005, any ~~four~~ five members or (b) on and after October 1, ~~1999~~
11 2005, any ~~five~~ six members.

12 (4) The board shall select officers from among its
13 members, including a chairperson, vice-chairperson, and secretary.

14 (5) Members of the board shall be paid for their expenses
15 as provided in sections 81-1174 to 81-1177 and shall in addition
16 receive a per diem of fifty dollars.

17 Sec. 11. Section 71-3,177, Revised Statutes Supplement,
18 2004, is amended to read:

19 71-3,177. Each of the following may be considered an act
20 of unprofessional conduct when committed by a person licensed or
21 registered under the Nebraska Cosmetology Act:

22 (1) Performing any of the practices regulated under the
23 Nebraska Cosmetology Act for which an individual is not licensed or
24 registered;

25 (2) Obstructing, interfering, or failing to cooperate
26 with an inspection or investigation conducted by an authorized
27 representative of the department when acting in accordance with the
1 Nebraska Cosmetology Act;

2 (3) Failing to report to the department a suspected
3 violation of the Nebraska Cosmetology Act;

4 (4) Aiding and abetting an individual to practice any of
5 the practices regulated under the Nebraska Cosmetology Act for

6 which he or she is not licensed or registered;

7 (5) Engaging in any of the practices regulated under the
8 Nebraska Cosmetology Act for compensation in an unauthorized
9 location;

10 (6) Engaging in the practice of any healing art or
11 profession for which a license is required without holding such a
12 license;

13 (7) Enrolling a student or an apprentice without
14 submitting a complete student entrance notification to the
15 department;

16 (8) Knowingly falsifying any student or apprentice record
17 or report;

18 (9) Initiating or continuing home services to a client
19 who does not meet the criteria established in the Nebraska
20 Cosmetology Act;

21 (10) Knowingly issuing a certificate of completion or
22 diploma to a student or an apprentice who has not completed all
23 requirements for the issuance of such document;

24 (11) Failing, by a school of cosmetology, a nail
25 technology school, a school of esthetics, or an apprentice salon,
26 to follow its published rules;

27 (12) Violating, by a school of cosmetology, nail
1 technology school, or school of esthetics, any federal or state law
2 involving the operation of a vocational school or violating any
3 federal or state law involving participation in any federal or
4 state loan or grant program;

5 (13) Knowingly permitting any person under supervision to
6 violate any law, rule, or regulation or knowingly permitting any
7 establishment or facility under supervision to operate in violation
8 of any law, rule, or regulation;

9 (14) Receiving two unsatisfactory inspection reports
10 within any sixty-day period;

11 (15) Engaging in any of the practices regulated under the
12 Nebraska Cosmetology Act while afflicted with any active case of a
13 serious contagious disease, infection, or infestation, as
14 determined by the department, or in any other circumstances when
15 such practice might be harmful to the health or safety of clients;

16 (16) Violating any rule or regulation relating to the
17 practice of body art; and

18 ~~(17) Performing body art on or to any person under~~
19 ~~eighteen years of age (a) without the prior written consent of the~~
20 ~~parent or court appointed guardian of such person; (b) without the~~
21 ~~presence of such parent or guardian during the procedure; or (c)~~
22 ~~without retaining a copy of such consent for a period of five years~~
23 Applying a tattoo, brand, or permanent color on or to any person
24 under eighteen years of age or performing body piercing on any
25 person under sixteen years of age.

26 Sec. 12. Section 71-3,236, Revised Statutes Supplement,
27 2004, is amended to read:

1 71-3,236. No person shall ~~perform body art~~ apply a
 2 tattoo, brand, or permanent color on or to any person under
 3 eighteen years of age. No person shall perform body piercing on
 4 any person under sixteen years of age. Violation of this section
 5 constitutes grounds for immediate suspension of the license to
 6 engage in any of the practices of body art of the person committing
 7 the violation, without the prior written consent of the parent or
 8 court-appointed guardian of such person. The person giving such
 9 consent must be present during the procedure. A copy of such
 10 consent shall be retained for a period of five years by the person
 11 performing such body art. Nothing in this section shall be
 12 construed to require the performance of body art on a person under
 13 eighteen years of age. Violation of this section is a Class III
 14 misdemeanor."

15 2. On page 67, line 11, after "71-1,147.35," insert
 16 "71-374, 71-375,"; and in line 13 strike "and 71-1,142" and insert
 17 "71-1,142, 71-3,177, and 71-3,236".

18 3. Renumber the remaining sections accordingly.

Senator Stuhr offered the following amendment to her pending amendment:

FA154

Amend AM0816

Strike Sections 11 and 12.

The Stuhr amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The Stuhr amendment, AM0816, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 739. E & R amendment, AM7071, printed separately and referred to on page 1054, was adopted.

Senator Loudon withdrew his pending amendment, AM0813, found on page 868.

Senator Beutler withdrew his pending amendment, AM0935, found on page 998.

Senator Cunningham withdrew his pending amendment, AM1029, found on page 1089.

Senator Cunningham offered the following amendment:

AM1148

- 1 1. On page 27, line 25, strike "voluntarily but" and
- 2 insert "but voluntarily"; in line 26 strike the comma and insert
- 3 "at the place of employment"; and in line 27 before the semicolon

4 insert "between household members".

5 2. On page 33, line 6, strike "and for" and insert "and
6 subsequent to filing the claim which establishes the previous
7 benefit year, the individual has insured work in at least four
8 weeks. For".

9 3. On page 48, line 15, after the period insert "For an
10 employer with less than sixteen consecutive calendar quarters of
11 contribution experience, the employer's average taxable payroll
12 shall be determined based upon the four-calendar-quarter periods
13 for which contributions are payable.".

14 4. Strike beginning with page 49, line 27, through page
15 50, line 7, and insert

16 "(f) The state's reserve ratio shall be calculated by
17 dividing the amount available to pay benefits in the Unemployment
18 Trust Fund and the State Unemployment Insurance Trust Fund as of
19 September 30, 2005, and each September 30 thereafter, less any
20 outstanding obligations and amounts appropriated therefrom by the
21 state's total wages from the four calendar quarters ending on such
22 September 30. For purposes of this section, total wages shall mean
23 all remuneration paid by an employer in employment. The state's
24 reserve ratio shall be applied to the table in this subdivision to
1 determine the yield factor for the upcoming rate year.".

2 5. On page 55, line 24, after "abuse" insert "as defined
3 in section 42-903 between household members".

The Cunningham amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senators Beutler and Cunningham offered the following amendment:
AM1159

(Amendments to E & R amendments, AM7071)

1 1. On page 26, line 17, after the stricken matter insert
2 "(1)"; in line 18 after the comma insert "through December 31,
3 2005,"; and strike beginning with "except" in line 20 through "if"
4 in line 26 and insert "but shall not exceed one-half of the state
5 average weekly wage as annually determined under section 48-121.02.
6 (2) For any benefit year beginning on or after January 1,
7 2006, through December 31, 2007, an individual's weekly benefit
8 amount shall be one-half of his or her average weekly wage rounded
9 down to the nearest even whole dollar amount but shall not exceed
10 two hundred eighty-eight dollars per week.

11 (3) For any benefit year beginning on or after January 1,
12 2008, through December 31, 2010, an individual's weekly benefit
13 amount shall be one-half of his or her average weekly wage rounded
14 down to the nearest even whole dollar amount, but shall not exceed
15 the lesser of one-half of the state average weekly wage as annually
16 determined under section 48-121.02 or the previous year's maximum
17 weekly benefit amount plus ten dollars per week.

18 (4) For any benefit year beginning on or after January 1,

19 2011, an individual's weekly benefit amount shall be one-half of
 20 his or her average weekly wage rounded down to the nearest even
 21 whole dollar amount, but shall not exceed one-half of the state
 22 average weekly wage as annually determined under section 48-121.02.
 23 (5) If".

- 1 2. On page 27, line 5, before "For" insert paragraphing
- 2 and "(6)".

The Beutler-Cunningham amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Chambers reoffered his amendment, FA106, found on page 909.

Senator Chambers withdrew his amendment.

Senator Chambers reoffered his amendment, FA107, found on page 910 and considered on page 997.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Chambers	Cunningham	Kruse
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Voting in the negative, 35:

Aguilar	Fischer	Janssen	Mines	Schrock
Brashear	Flood	Jensen	Pahls	Smith
Brown	Foley	Kopplin	Pedersen, Dw.	Stuhr
Burling	Friend	Kremer	Pederson, D.	Stuthman
Connealy	Heidemann	Landis	Raikes	Synowiecki
Cornett	Howard	Langemeier	Redfield	Thompson
Engel	Hudkins	McDonald	Schimek	Wehrbein

Present and not voting, 8:

Baker	Bourne	Cudaback	Preister
Beutler	Byars	Johnson	Price

Excused and not voting, 3:

Combs	Erdman	Louden
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The Chambers amendment lost with 3 ayes, 35 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 361. E & R amendment, AM7070, printed separately and referred to on page 1077, was adopted.

Senator Bourne renewed his pending amendment, AM1114, found on page 1126.

The Bourne amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senators Flood and Beutler offered the following amendment:

FA153

(Amendments to E & R amendments, AM7070)

- 1 1. On page 15, line 4, after the period insert "A
- 2 certificate of dissolution of marriage shall not be used in lieu of
- 3 a deed or other conveyance of real estate to carry out the terms of
- 4 the dissolution decree or as evidence of title.".

The Flood-Beutler amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 401. E & R amendment, AM7073, found on page 1077, was adopted.

Senator Friend renewed his pending amendment, AM1038, found on page 1104.

The Friend amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:

AM1145

(Amendments to Standing Committee amendments, AM0369)

- 1 1. Strike section 5 and insert the following new
- 2 section:
- 3 "Sec. 5. (1) A person who is the age of an elector and a
- 4 citizen of the United States residing outside the United States,
- 5 who has never resided in the United States, who has not registered
- 6 to vote in any other state of the United States, and who has a
- 7 parent registered to vote within this state shall be eligible to
- 8 register to vote and vote in one county in which either one of his
- 9 or her parents is a registered voter.
- 10 (2) A person registering to vote or voting pursuant to
- 11 this section shall sign and enclose with the registration

12 application and with the ballot being voted a form provided by the
 13 election commissioner or county clerk substantially as follows: I
 14 am the age of an elector and a citizen of the United States
 15 residing outside the United States, I have never resided in the
 16 United States, I have not registered to vote in any other state of
 17 the United States, and I have a parent registered to vote in
 18 County, Nebraska. I hereby declare, under penalty of
 19 election falsification, that the statements above are true to the
 20 best of my knowledge.
 21 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT
 22 FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS,
 23 OR BOTH.

1
 2
 3 (Signature of Voter)".
 4 2. On page 3, line 27, strike "to establish polling
 5 places, other" and insert "with the consent of the appropriate
 6 election commissioner or county clerk, for the establishment of
 7 polling places which may be used for voting pursuant to section
 8 32-1041 for the twenty days preceding the day of election. Such
 9 polling places shall be in addition to the office of the election
 10 commissioner or county clerk and the polling places otherwise
 11 established pursuant to this section.".
 12 3. On page 4, strike lines 1 through 4.

Senator Schimek offered the following amendment to the Beutler pending amendment:

FA155

Amend AM1145

On page 1, line 19, after the word "falsification" insert "a Class IV felony,"

Pending.

STANDING COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 275. Placed on General File as amended.

Standing Committee amendment to LB 275:

AM1010

1 1. On page 4, line 21, after "market" insert an
 2 underscored period; and strike beginning with the second "and" in
 3 line 21 through the period in line 23 and show the old matter as
 4 stricken.
 5 2. On page 14, line 25; and page 40, lines 12 and 13,
 6 strike "trucks and truck-tractors", show as stricken, and insert
 7 "vehicles".
 8 3. On page 15, line 1; and page 39, lines 23 and 24,
 9 strike "trucks", show as stricken, and insert "vehicles".
 10 4. On page 15, line 19; page 16, line 21; and page 18,
 11 lines 3 and 20, after "for" insert "a license plate or".

- 12 5. On page 15, line 21; page 16, line 22; and page 18,
 13 lines 5 and 22, strike "for the plates" and show as stricken.
- 14 6. On page 16, lines 8 and 26; page 17, line 18; page
 15 18, line 11; and page 19, line 3, after "vehicle" insert "or
 16 trailer".
- 17 7. On page 17, line 8, strike "automobile", show as
 18 stricken, and insert "car"; and in line 9 after the first comma
 19 insert "trailer," and strike "truck", show as stricken, and insert
 20 "vehicle".
- 21 8. On page 19, line 13, strike the second "trucks", show
 22 as stricken, and insert "vehicles"; and in line 15 after the comma
 23 insert "trailers,".
- 24 9. On page 24, line 19, after the first comma insert
 1 "trailer," and strike "truck", show as stricken, and insert
 2 "vehicle"; and in line 22 strike "truck or truck-tractor", show as
 3 stricken, and insert "vehicle".
- 4 10. On page 37, lines 1, 7, and 28; and page 38, line 4,
 5 strike "truck" and insert "vehicle or apportionable vehicle".
- 6 11. On page 37, line 12, strike "or"; after line 14
 7 insert the following new subdivisions:
 8 "(viii) A dealer-plated vehicle; or
 9 (ix) A personal-use dealer-plated vehicle;"; in line 17
 10 strike both occurrences of "truck" and insert "vehicle"; in line 23
 11 strike "or"; and after line 25 insert the following new
 12 subdivisions:
 13 "(iv) A commercial vehicle or apportionable vehicle;
 14 (v) A dealer-plated vehicle; or
 15 (vi) A personal-use dealer-plated vehicle;".
- 16 12. On page 38, line 2, strike "and"; in line 5 after
 17 "truck" insert "; and
 18 (g) A dealer-plated trailer shall only be towed by:
 19 (i) A dealer-plated vehicle;
 20 (ii) A commercial vehicle; or
 21 (iii) A personal-use dealer-plated vehicle"; and in line
 22 6 after "(3)" insert "Nothing in subsection (2) of this section
 23 shall be construed to prohibit any passenger car or commercial
 24 vehicle from displaying dealer license plates or In Transit decals
 25 authorized by section 60-320.
 26 (4)".
- 27 13. On page 40, lines 3 and 4, strike "truck-tractors",
 1 show as stricken, and insert "vehicles".
- 2 14. On page 40, lines 7 and 10; and page 41, lines 14
 3 and 15 and 20, strike "truck or truck-tractor", show as stricken,
 4 and insert "vehicle".

LEGISLATIVE BILL 277. Placed on General File as amended.
 Standing Committee amendment to LB 277:
 AM0886

- 1 1. Strike original sections 11 and 27 and insert the

2 following new sections:

- 3 "Sec. 11. (1) When an original certificate of title for
4 a motor vehicle, commercial trailer, semitrailer, or cabin trailer
5 is lost by the dealer selling such motor vehicle or trailer, the
6 dealer may apply for an original certificate of title in the
7 dealer's name. The following documentation and fees shall be
8 submitted by the dealer:
9 (a) An application for a certificate of title in the name
10 of such dealer;
11 (b) A photocopy from the dealer's records of the front
12 and back of the lost original certificate of title assigned to a
13 dealer;
14 (c) A notarized affidavit from such dealer stating that
15 the original assigned certificate of title was lost; and
16 (d) The appropriate certificate of title fee.
17 (2) When an original certificate of title for a used
18 motor vehicle, used commercial trailer, used semitrailer, or used
19 cabin trailer is lost by the subsequent purchaser of the motor
20 vehicle or trailer, the subsequent purchaser may request the dealer
21 that sold the motor vehicle or trailer to apply for an original
22 certificate of title in the dealer's name. The following
23 documentation and fees shall be submitted by the dealer:
24 (a) An application for a certificate of title in the name
1 of such dealer;
2 (b) A photocopy from the dealer's records of the front
3 and back of the lost original certificate of title assigned to a
4 dealer with a reassignment to the subsequent purchaser;
5 (c) A notarized affidavit from the subsequent purchaser
6 of such motor vehicle or trailer for which the original assigned
7 certificate of title was lost stating that the original assigned
8 certificate of title was lost; and
9 (d) The appropriate certificate of title fee.
10 (3) The application and affidavit shall be on forms
11 prescribed by the department. When the motor vehicle dealer or
12 trailer dealer receives the new certificate of title in such
13 dealer's name and assigns it to the purchaser, the dealer shall
14 record the original sale date and provide the purchaser with a copy
15 of the front and back of the original lost certificate of title as
16 evidence as to why the purchase date of the motor vehicle or
17 trailer is prior to the issue date of the new certificate of title.
18 Sec. 27. (1) When an original certificate of title for
19 an all-terrain vehicle or minibike is lost by the dealer selling
20 such all-terrain vehicle or minibike, the dealer may apply for an
21 original certificate of title in the dealer's name. The following
22 documentation and fees shall be submitted by the dealer:
23 (a) An application for a certificate of title in the name
24 of such dealer;
25 (b) A photocopy from the dealer's records of the front
26 and back of the lost original certificate of title assigned to a

27 dealer;

1 (c) A notarized affidavit from such dealer stating that
2 the original assigned certificate of title was lost; and

3 (d) The appropriate certificate of title fee.

4 (2) When an original certificate of title for a used
5 all-terrain vehicle or minibike is lost by the subsequent purchaser
6 of the all-terrain vehicle or minibike, the subsequent purchaser
7 may request the dealer that sold the all-terrain vehicle or
8 minibike to apply for an original certificate of title in the
9 dealer's name. The following documentation and fees shall be
10 submitted by the dealer:

11 (a) An application for a certificate of title in the name
12 of such dealer;

13 (b) A photocopy from the dealer's records of the front
14 and back of the lost original certificate of title assigned to a
15 dealer with a reassignment to the subsequent purchaser;

16 (c) A notarized affidavit from the subsequent purchaser
17 of such all-terrain vehicle or minibike for which the original
18 assigned certificate of title was lost stating that the original
19 assigned certificate of title was lost; and

20 (d) The appropriate certificate of title fee.

21 (3) The application and affidavit shall be on forms
22 prescribed by the department. When the all-terrain vehicle or
23 minibike dealer receives the new certificate of title in such
24 dealer's name and assigns it to the purchaser, the dealer shall
25 record the original sale date and provide the purchaser with a copy
26 of the front and back of the original lost certificate of title as
27 evidence as to why the purchase date of the all-terrain vehicle or
1 minibike is prior to the issue date of the new certificate of
2 title."

3 2. On page 28, line 13; and page 38, line 6, after the
4 period insert "Any certificate of title that is altered shall be
5 deemed a mutilated certificate of title."

(Signed) Tom Baker, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Paul Dunn - Nebraska Environmental Trust Board
Gloria Erickson - Nebraska Environmental Trust Board
Susan Seacrest - Nebraska Environmental Trust Board

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Loudon, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 689:

AM1109

(Amendments to E & R amendments, AM7082)

- 1 1. On page 2, line 24, after "shall" insert "submit its
- 2 improvement plan and".

Senator Beutler filed the following amendment to LB 709:

AM1079

(Amendments to E & R amendments, AM7080)

- 1 1. On page 1, line 14, strike "has" and insert "may".
- 2 2. On page 4, line 2, after the period insert "The
- 3 council shall review the plan and issue its recommendations to the
- 4 Governor and the Legislature no later than January 1, 2006".

Senators Bourne and Landis filed the following amendment to LB 753:

AM1136

(Amendments to Standing Committee amendments, AM0643)

- 1 1. On page 7, line 26, strike "This" and insert "Except
- 2 when acting as a subcontractor for a public utility, this".
- 3 2. On page 8, line 3, after "performed" insert "on the
- 4 customer's side of the utility demarcation point".

RESOLUTION

LEGISLATIVE RESOLUTION 75. Introduced by D. Pederson, 42.

PURPOSE: The purpose of this resolution is to review the recommendations of key priorities set forth by the LR 174 Task Force in 2003, for the state's system of postsecondary education. Expansion and diversification of Nebraska's economy is necessary in order to sustain essential public services sponsored or aided by the state. The state's system of postsecondary education is integral to the highest possible levels of educational attainment for Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature create a Legislative Evaluation Task Force which shall review progress made toward the priorities set forth by the LR 174 Task Force.

2. That the Legislative Evaluation Task Force shall consist of: (a) Three members of the Education Committee of the Legislature, appointed by the chairperson of the committee, (b) three members of the Appropriations Committee of the Legislature, appointed by the chairperson of the committee, and (c) three members of the Legislature, appointed by the Executive Board of the Legislative Council. The chairperson of the task force shall be selected by the Executive Board from among the membership

of the task force.

3. That the Coordinating Commission for Postsecondary Education shall provide a report to the Legislature that evaluates progress made toward the attainment of the priorities outlined by the Legislative Evaluation Task Force, together with its recommendations. The report shall be provided by November 1 each year.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Houston, Robert - Correctional Services, Department of - Judiciary

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

VISITORS

Visitors to the Chamber were 18 third-grade students and leader from Brownie Troop 3082, Elkhorn; 90 tenth-grade students and sponsors from across the state; and 41 fourth-grade students and teachers from Sandoz Elementary School, Omaha.

RECESS

At 12:01 p.m., on a motion by Senator Connealy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Brashear presiding.

ROLL CALL

The roll was called and all members were present except Senators Combs, Erdman, and Loudon who were excused; and Senators Brown, Burling, Chambers, Cunningham, Kruse, Landis, Dw. Pedersen, D. Pederson, and Raikes who were excused until they arrive.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 67, 70, 71, 72, and 73 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 67, 70, 71, 72, and 73.

SENATOR CUDABACK PRESIDING**RESOLUTION****LEGISLATIVE RESOLUTION 76.** Introduced by Landis, 46.

WHEREAS, every child in foster care in Nebraska should be protected from physical, sexual, verbal, and emotional abuse and from spiritual neglect; and

WHEREAS, every reasonable effort should be made to enable a child to remain in his or her biological home, including provision of financial and other assistance or services as needed; and

WHEREAS, every child in foster care in Nebraska should have a placement plan that reflects the child's best interests and that is designed to facilitate the child's return home in a timely manner or a permanent placement appropriate to the needs of the child; and

WHEREAS, every child in foster care in Nebraska should receive an explanation, appropriate to the age of the child, as to why he or she has been placed in the custody of the Department of Health and Human Services and, if age appropriate, should be allowed to attend court hearings, speak to the judge, and be heard by the court; and

WHEREAS, every child in foster care in Nebraska should be placed in a home where the shelter or foster caregiver is aware of and understands the child's history, needs, and risk factors and the child should know in return what is expected of him or her in the foster placement by the foster caregiver; and

WHEREAS, every child in foster care in Nebraska should expect to live in a safe, healthy, and comfortable placement, to receive adequate, healthy food and adequate clothing, and to be treated with respect; and

WHEREAS, every child in foster care in Nebraska should receive medical, dental, vision, and mental health screening assessments and testing upon adjudication into foster care and should then receive whatever treatment or services are identified as necessary as soon as practical; and

WHEREAS, every child in foster care in Nebraska should be able to attend school and participate in extracurricular activities and personal activities consistent with the child's age and development, should have social contacts with people outside of the foster care system, such as church members, friends, and teachers, and should be able to attend religious services of his or her choice; and

WHEREAS, every child in foster care in Nebraska should receive at least monthly communication from his or her caseworker and should receive honest and timely information about the decisions the department is making that affect his or her life; and

WHEREAS, every child in foster care in Nebraska should be free from repeated changes in placement before his or her return home or permanent placement; and

WHEREAS, every child in foster care in Nebraska should be able to visit and talk with biological parents, brothers and sisters, grandparents, and other friends and relatives who are important to the child, unless restricted by a court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislative, Executive, and Judicial branches of government should combine efforts to insure and improve timely and safe permanent placements of children and to provide adequate resources to the systems striving to accomplish this work.

2. That a copy of this resolution be sent to Governor Dave Heineman and the Governor's Youth Advisory Council.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 76 was referred to the Reference Committee.

SELECT FILE

LEGISLATIVE BILL 401. The Schimek pending amendment, FA155, found in this day's Journal, to the Beutler pending amendment, was renewed.

The Schimek amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

The Beutler pending amendment, AM1145, found in this day's Journal, as amended, was renewed.

The Beutler amendment was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 161. E & R amendment, AM7072, printed separately and referred to on page 1077, was adopted.

Senator Jensen renewed his pending amendment, AM1044, found on page 1089.

The Jensen amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Price withdrew her pending amendment, AM1054, found on page 1111.

Senators Price, Beutler, and Friend offered the following amendment:
AM1162

(Amendments to E & R amendments, AM7072)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 15-201, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 15-201. Cities of the primary class shall be bodies
5 corporate and politic and shall have power:
6 (1) To sue and be sued;
7 (2) To purchase, lease, or otherwise acquire as
8 authorized by their home rule charters or state statutes real
9 estate or personal property within or without the limits of the
10 city for its use for a public purpose;
11 (3) To purchase real or personal property upon sale for
12 general or special taxes or assessments and to lease, sell, convey,
13 or exchange such property so purchased;
14 (4) To sell, convey, exchange, or lease real or personal
15 property owned by the city in such manner and upon such terms and
16 conditions as shall be deemed in the best interests of the city as
17 authorized by its home rule charter, except that real estate owned
18 by the city may be conveyed without consideration to the State of
19 Nebraska for state armory sites or, if acquired for state armory
20 sites, shall be conveyed in the manner strictly as provided in
21 sections 18-1001 to 18-1006;
22 (5) To make contracts and do all acts relative to the
23 property and concerns of the city necessary or incident or
24 appropriate to the exercise of its corporate powers, including
25 powers granted by the Constitution of Nebraska or exercised by or
26 pursuant to a home rule charter adopted pursuant thereto and
27 including the power to execute such bonds and obligations on the
28 part of the city as may be required in judicial proceedings;
29 (6) To purchase, construct, and otherwise acquire, own,
30 maintain, and operate public service and public utility property
31 and facilities within and without the limits of the city and to
32 redeem such property from prior encumbrance in order to protect or
33 preserve the interest of the city therein and to exercise such
34 other and further powers as may be necessary or incident or
35 appropriate to the powers of such city, including powers granted by
36 the Constitution of Nebraska or exercised by or pursuant to a home
37 rule charter adopted pursuant thereto. If the public service or
38 public utility property or facility is located outside the limits
39 of the city but within the zoning jurisdiction of another political
40 subdivision, the city and the other political subdivision may by
41 interlocal agreement provide or exchange services, including
42 utility services, relating to the property or facilities; ~~and~~
43 (7) To receive grants, devises, donations, and bequests
44 of money or property for public purposes in trust or otherwise; and
45 (8) To provide for the planting, maintenance, protection,
46 and removal of shade, ornamental, and other useful trees upon the
47 streets or boulevards; to assess the cost thereof, when
48 appropriate, as a special assessment against the property specially
49 benefited to the extent of benefits received; and to provide by
50 general ordinance for the manner in which such benefits are to be
51 measured and the assessments calculated. The city may create
52 districts by ordinance which shall designate the property within

3 the district to be benefited. Upon the proposed formation by
4 ordinance of a special assessment district pursuant to this
5 subdivision, the city shall mail copies of such proposed ordinance
6 and this subdivision to the owners of the record title of any
7 property abutting upon the street, streets, public way, or public
8 grounds proposed to be improved or parts thereof which are within
9 such district not less than ten days prior to the public hearing
10 for the ordinance. The requirement to mail copies under this
11 subdivision shall be satisfied by mailing a copy of the ordinance
12 and this subdivision by United States mail to the last-known
13 address of the owners of record title. Notwithstanding the
14 provisions of any city charter and except as provided below, no
15 such improvement shall be finally ordered by the city council until
16 a petition, signed by the owners of the record title representing a
17 majority of the front footage of property directly abutting upon
18 the street, streets, public way, or public grounds proposed to be
19 improved, or parts thereof, is presented and filed with the city
20 clerk petitioning therefor. The sufficiency of the petitions and
21 objections so presented and the sufficiency of notice as provided
22 in this subdivision shall be determined by the city council and its
23 determination thereof shall be conclusive in the absence of
24 objections made and presented to the city council prior to the
25 letting of the contract for the improvement. In determining the
26 sufficiency of the petitions so presented, intersections shall be
27 disregarded and any lot or ground owned by the city shall not be
1 counted for or against such improvement. If an assessment district
2 is proposed without a prior authorizing petition as described in
3 this subdivision, the owners of the record title representing more
4 than fifty percent of the front footage of the property abutting
5 upon the streets, avenues, or parts thereof which are within such
6 proposed district may, by petition, stop formation of such
7 district. Such written protest shall be submitted to the city
8 council or clerk within thirty calendar days after publication of
9 notice concerning the ordinance in a newspaper of general
10 circulation in the city.

11 The powers shall be exercised by the mayor and council of
12 the city except in cases otherwise specified by law. The mayor and
13 council shall adopt a corporate seal for the use of any officer,
14 board, or agent of the city whose duties require an official
15 seal."

16 2. On page 11, line 21, after "sections" insert
17 "15-201,".

18 3. Renumber the remaining sections accordingly.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Price et al. amendment was adopted with 25 ayes, 2 nays, 18 present

and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:

AM1087

(Amendments to E & R amendments, AM7072)

- 1 1. On page 2, strike lines 11 through 23 and insert:
- 2 "(a) There is reserved to the city the right to maintain,
- 3 operate, repair, and renew public utilities existing at the time
- 4 title to the property is vacated there; and
- 5 (b) There is reserved to the city, any public utilities,
- 6 and any cable television systems the right to maintain, repair,
- 7 renew, and operate water mains, gas mains, pole lines, conduits,
- 8 electrical transmission lines, sound and signal transmission lines,
- 9 and other similar services and equipment and appurtenances,
- 10 including lateral connections or branch lines, above, on, or below
- 11 the surface of the ground that are existing as valid easements at
- 12 the time title to the property is vacated for the purposes of
- 13 serving the general public or the abutting properties and to enter
- 14 upon the premises to accomplish such purposes at any and all
- 15 reasonable times."
- 16 2. On page 8, strike lines 3 through 15 and insert:
- 17 "(a) There is reserved to the city or village the right
- 18 to maintain, operate, repair, and renew public utilities existing
- 19 at the time title to the property is vacated there; and
- 20 (b) There is reserved to the city or village, any public
- 21 utilities, and any cable television systems the right to maintain,
- 22 repair, renew, and operate water mains, gas mains, pole lines,
- 23 conduits, electrical transmission lines, sound and signal
- 1 transmission lines, and other similar services and equipment and
- 2 appurtenances, including lateral connections or branch lines,
- 3 above, on, or below the surface of the ground that are existing as
- 4 valid easements at the time title to the property is vacated for
- 5 the purposes of serving the general public or the abutting
- 6 properties and to enter upon the premises to accomplish such
- 7 purposes at any and all reasonable times."

The Beutler amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Dw. Pedersen offered the following amendment:

AM1165

(Amendments to E & R amendments, AM7072)

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 74-1307, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 74-1307. For carrying out the purposes and powers set
- 5 forth in sections 74-1302, 74-1303, and 74-1305, including paying
- 6 the cost thereof, the district may: (1) Borrow money and issue its
- 7 negotiable general obligation bonds upon such terms and conditions

8 as the board of directors may determine and without a vote of the
 9 electors; ~~except that no such bonds shall be issued more than~~
 10 ~~twenty-five years after the creation of such district;~~ (2) issue
 11 warrants to contractors and others furnishing services or materials
 12 or in satisfaction of other obligations created under sections
 13 74-1302, 74-1303, and 74-1305, such warrants to be issued in such
 14 amounts and on such terms and conditions as the board shall
 15 determine, and to be redeemed and paid upon the sale of bonds or
 16 receipt of other funds available for such purpose; and (3)
 17 establish a sinking fund for the payment of such bonds as may be
 18 issued under this section."
 19 2. Renumber the remaining sections and correct the
 20 repealer accordingly.

The Dw. Pedersen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 551. E & R amendment, AM7075, found on page 1077, was adopted.

Senator Jensen renewed his pending amendment, AM1113, found on page 1138.

The Jensen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Jensen renewed his pending amendment, AM1122, found on page 1139.

The Jensen amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Jensen offered the following amendment:
 AM1146

(Amendments to Standing Committee amendments, AM0695)

- 1 1. Strike section 2.
- 2 2. On page 10, line 1, strike "71-811,".
- 3 3. Renumber the remaining sections accordingly.

SENATOR JANSSEN PRESIDING

The Jensen amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

Advanced to E & R for engrossment.

MOTION - Return LB 503 to Select File

Senator Raikes moved to return LB 503 to Select File for his specific pending amendment, AM1046, found on page 1098.

The Raikes motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 503. The Raikes specific pending amendment, AM1046, found on page 1098, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 76	Judiciary

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 13:
(Amendment, AM1009, is printed separately and available in the Bill Room, Room 1104.)

UNANIMOUS CONSENT - Add Cointroducer

Senator Price asked unanimous consent to have her name added as cointroducer to LB 389. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from Bel Air Elementary School, Norfolk; Byron Hansen and Pete Kotsiopoulos from Kearney; 50 fourth- and fifth-grade students and teacher from Hawthorne Elementary School, Hastings; 40 high school students and sponsor from Family Community Career Leaders of America; and Judy Murphy from Falls City.

ADJOURNMENT

At 4:03 p.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Tuesday, April 12, 2005.

Patrick J. O'Donnell
Clerk of the Legislature